

BILL ANALYSIS

Senate Research Center

H.B. 3460
By: Pitts (Averitt)
Health & Human Services
5/21/2003
Engrossed

DIGEST AND PURPOSE

This act addresses five matters relevant to the licensing and education of cosmetologists in Texas. Currently, new applicants for a cosmetology license are not required to have a high school diploma or GED or to demonstrate their ability to benefit from training. Cosmetologists often use chemicals and highly-specialized procedures to perform services such as permanents, installing artificial nails, facial treatments, and other newly developing treatments. Currently, facialist specialists are required to receive 600 hours of instruction in the processes of the treatment.

To examine license applicants, the Texas Cosmetology Commission currently uses written licensure examinations purchased from a national testing service in order to ensure that the tests are fully validated and legally defensible. The current cosmetology statute, however, prohibits the commission from submitting examinations of public school students to a national testing service for grading, even though the same statute allows the commission to do so for private beauty school students. The current prohibition results in the incurrence of additional labor and computer-related costs for the agency to implement procedures to grade the national written exams in Austin, the national testing service the commission currently uses has grading technology that would enable the commission to receive the grades for all student exams within 24 hours of submission of the answer sheets

Cosmetology schools fall in two primary categories: (1) public secondary and post-secondary vocational programs; and (2) private beauty culture schools. While private schools must obtain a license (\$500 license fee) and renew that license every year (\$200 renewal fee), public school vocational programs must only obtain a certificate, with no fee, and need not renew the certificate as long as the program exists.

H.B. 3460 amends provisions of the Occupations Code regulating the practice of Cosmetology.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Cosmetology Commission in SECTION 8 (Section 1602.354, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1602.254(b), Occupations Code, to require an applicant, to be eligible for an operator license, to meet certain requirements, including certain education requirements.

SECTION 2. Amends Section 1602.256(b), Occupations Code, to require an applicant, to be eligible for a manicurist license, to meet certain requirements, including certain education requirements.

SECTION 3. Amends Section 1602.257(b), Occupations Code, to require an applicant, to be eligible for a facialist license, to meet certain requirements, including certain education requirements.

SECTION 4. Amends Section 1602.258(b), Occupations Code, to require an applicant, to be

eligible for a specialty license, to meet certain requirements, including certain education requirements.

SECTION 5. Amends Section 1602.261, Occupations Code, to delete existing Subsection (c) relating the examination of a student in a vocational cosmetology program. Redesignates existing Subsection (d) as (c).

SECTION 6. Amends Section 1602.304, Occupations Code, as follows:

(a) Requires each applicant for a license, rather than certification, as a public secondary or public post secondary beauty culture school to be accompanied by the required license information. Makes a conforming change.

(b) Makes a conforming change.

SECTION 7. Amends Section 1602.351(c), Occupations Code, to provide that a private beauty culture school license or a public secondary or postsecondary beauty culture school license expires on the anniversary of the date the license is issued.

SECTION 8. Amends Section 1602.354, Occupations Code, to provide that the commission will by rule, rather than may, recognize, prepare, or administer continuing education programs for the practice of cosmetology. Provides that participation in the programs is mandatory for all license renewals, rather than voluntary.

SECTION 9. Effective date: September 1, 2003, except that Section 8 of this Act and the amendment to Section 1602.257(b)(3) in Section 3 of this Act take effect September 1, 2004.